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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia

Report of the Secretary-General

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/286, in which the Assembly requested the Secretary-General to submit a comprehensive report at its seventieth session on the implementation of the resolution. The report covers the period from 1 April 2015 to 31 March 2016 and draws on information received from a number of United Nations entities.

2. In accordance with the provisions of the resolution, the report focuses on: (a) the right of return of all refugees and internally displaced persons and their descendants, regardless of ethnicity; (b) the prohibition of forced demographic changes; (c) humanitarian access; (d) the importance of preserving the property rights of refugees and internally displaced persons; and (e) the development of a timetable to ensure the prompt voluntary return of all refugees and internally displaced persons to their homes.

II. Background

3. Following an escalation of conflict in 1992-1993, which caused significant displacement of civilians, armed hostilities between the Georgian and Abkhaz sides ended with the signing in Moscow on 14 May 1994 of the Agreement on a Ceasefire and Separation of Forces (see S/1994/583 and Corr.1). The agreement was preceded by the signing in Moscow on 4 April 1994 of the quadripartite agreement on the voluntary return of refugees and displaced persons (see S/1994/397), in which the parties agreed to cooperate and interact in planning and conducting activities to safeguard and guarantee the safe, secure and dignified return of people who had fled from areas in the conflict zone to the areas of their previous permanent residence. Armed hostilities between the Georgian and South Ossetian sides ended with the 24 June 1992 Sochi Agreement, which established a ceasefire between the Georgian and South Ossetian forces and the creation of the Joint Control Commission and Joint Peacekeeping Forces.

4. Following the hostilities which started in the Tskhinvali region/South Ossetia on 7 and 8 August 2008, the six-point ceasefire agreement of 12 August 2008 and the implementing measures of 8 September 2008 (see S/2008/631, paras. 7-15), international discussions were launched in Geneva on 15 October 2008, co-chaired by representatives of the European Union, the Organization for Security and Cooperation in Europe (OSCE) and the United Nations (see S/2009/69 and Corr.1, paras. 5-7). In accordance with the above-mentioned agreement, the international discussions were to address the issues of security and stability and the return of internally displaced persons and refugees. By the end of the reporting period, 35 rounds of the Geneva international discussions had been held, with participants meeting in two parallel working groups.

5. In June 2011, the General Assembly, in its resolution 65/288, approved the budget for the United Nations Representative to the Geneva International Discussions. The establishment of a special political mission has facilitated the continued engagement of the United Nations in the Geneva process. The United Nations Representative and his team are responsible for preparing, in consultation with the Co-Chairs, the sessions of the Geneva international discussions. In December 2015, the General Assembly, in its resolution 70/249 A, appropriated the

programme budget for the biennium 2016-2017 for special political missions, including for the United Nations Representative to the Geneva International Discussions. Moreover, in my report on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council, I included among the proposed resource requirements for the period from 1 January to 31 December 2016 the United Nations Representative to the Geneva International Discussions, which has an open-ended mandate (see A/70/348 and Add.1).

6. The United Nations Representative to the Geneva International Discussions and his team are also responsible for preparing, convening and facilitating the periodic meetings of the Joint Incident Prevention and Response Mechanism under United Nations auspices in Gali (see S/2009/254, paras. 5 and 6). The most recent (35th) meeting of the Mechanism took place on 23 March 2012, and the meetings, unfortunately, have not been resumed since. After multiple efforts, including my consistent calls to resume the work of the Mechanism, participants reached a tentative agreement to resume the meetings of the Mechanism at the thirty-fifth round of the Geneva international discussions, held on 23 March 2016. I welcome this decision. As long as the Mechanism remains suspended, the risk of escalation and incidents on the ground exists. While recognizing the efforts by the United Nations Representative and his team to engage with all relevant stakeholders for incident prevention and response during the four-year period of suspension, I am hopeful that meetings of the Mechanism will restart without delay and will contribute to maintaining a stable and calm situation on the ground.

7. During the reporting period, participants in Working Group I of the Geneva international discussions continued to discuss the security situation on the ground, expressing their concerns with regard to procedures for crossings and the broader issue of the freedom of movement. During all rounds of the Geneva international discussions that were held during the reporting period, all participants assessed the overall security situation as relatively calm and stable. They also continued discussions on the key issues of the non-use of force and international security arrangements. In that regard, it should be noted that international obligations constraining the use or threat of force, without prejudice to the right of individual or collective self-defence, are embodied in the Charter of the United Nations and other international instruments. There were also discussions on steps in the direction of pledges on the non-use of force, including on the unilateral statements by all relevant stakeholders. I would encourage all relevant participants to engage constructively on the issues of the non-use of force and freedom of movement, with a view to making tangible progress.

8. Working Group II continued to seek to address issues of the humanitarian needs of all affected populations. Although the issue of internally displaced persons and refugees and their voluntary return was kept on the agenda of Working Group II, there was, regrettably, little substantive discussion and no progress in addressing this important issue owing to objections expressed by some participants. There was no sustainable return to areas of habitual residence during the reporting period. Voluntary return is a right of displaced populations and should be addressed from this perspective.

9. In the context of Working Group II, the Co-Chairs discussed with participants the possibility of allowing and facilitating humanitarian visits to religious sites,

including graveyards, across administrative boundary lines throughout the year, with a particular focus during the Easter period on visits by relatives of the deceased, including those who were killed during the conflicts. Unfortunately, no accord was reached during the reporting period. I strongly urge the sides to favourably consider such "good faith" gestures in the future.

10. I have repeatedly stressed the need to ensure the promotion and protection of human rights for the affected population. Much more decisive efforts are needed in this regard. I regret that my repeated calls for unimpeded access for Office of the United Nations High Commissioner for Human Rights (OHCHR) staff to be able to monitor, report on and address human rights protection concerns for the affected population have not yet yielded a positive response by all participants. I therefore call upon participants in the Geneva international discussions to allow, without further delays, access for OHCHR staff to carry out their work, to allay serious protection concerns about the situation of the affected population and to better assess current human rights needs so as to ensure that existing mechanisms and practices comply with international human rights norms, irrespective of legal or political considerations.

11. Another topic that received sustained attention from all participants was the continued unknown fate of persons who went missing during the conflicts. The understanding shown by all participants of Working Group II for the plight of the families of the missing and the commitments made to engage meaningfully on the issue, in particular by supporting the work of the International Committee of the Red Cross, is commendable. While many humanitarian issues remain unresolved, the Geneva international discussions continue to offer an opportunity for participants to engage on such issues in a constructive manner and liaise with the United Nations humanitarian agencies, funds and programmes.

12. To allow for more informed debates, special information sessions were conducted in conjunction with the formal rounds of the Geneva international discussions, allowing participants to benefit from the experience and advice of the United Nations, non-governmental organizations (NGOs) and other experts. Participants were given the opportunity to deepen their understanding of, inter alia, managing disaster risk, public health preparedness, freedom of movement and threat perception issues.

13. I am encouraged that during the entire reporting period, in general, the working atmosphere at the Geneva rounds has improved thanks to the efforts of all participants. They have repeatedly expressed their support and commitment to the process. While this is a very encouraging step in the right direction, improving the efficiency of the process is crucial to enhancing stability in the region and to making progress on the security, humanitarian and other remaining challenges. In this context, I fully support the efforts of the Co-Chairs to further stabilize the Geneva process by introducing ground rules with a view to creating a conducive atmosphere for dialogue and problem-solving at the Geneva international discussions. I join all the participants and Co-Chairs in reiterating that the Geneva international discussions remain the only forum for relevant stakeholders to meet and address the issues identified in General Assembly resolution 69/286.

III. Right of return

A. Scope of displacement, return and local integration

14. No major changes were observed during the reporting period with regard to internally displaced persons or refugees exercising their right to return, and no new significant displacements were registered. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia conducted a comprehensive registration of 262,704 internally displaced persons, as of January 2015. After the main phase of the registration ended on 31 December 2013, the re-registration by the Ministry continued in its central office in Tbilisi until 31 May 2014, with additional persons being registered thereafter as required. The largest numbers of internally displaced persons were registered in Tbilisi and Zugdidi. The generational aspects of displacement in the absence of durable solutions are of concern. According to data from the Ministry's analytical unit, between 2014 and 2016 there was an increase in the number of internally displaced persons from 257,022 to 269,251, primarily as a result of births. Over 18,000 births among internally displaced persons were registered during this period, while almost 8,000 internally displaced persons emigrated from Georgia. Without the return of the internally displaced persons, their number is likely to continue to grow exponentially over time, mirroring the general birth rate growth in Georgia.

15. While progress was made towards the local integration and relocation of internally displaced persons pending their return to areas of habitual residence, an intentions survey was conducted in 2015 by the Office of the United Nations High Commissioner for Refugees (UNHCR) among the displaced population to establish current perceptions with regard to voluntary return, local settlement or relocation elsewhere within Georgia. More than 2,000 persons among the displaced population were interviewed during the course of data collection, and survey results indicated the strong desires of internally displaced persons to return to their locations of origin only when there are significant changes to the political situation in areas of displacement and where security is ensured.

16. A number of families who were previously commuting between Gali and Zugdidi on a seasonal basis moved back to Gali, but no precise data quantifying such individual returns to the Gali region or other parts of Abkhazia are available. The authorities in control continue to deny the return of ethnic Georgian internally displaced persons to locations of their origins that are outside of the "accepted" return areas in the Gali, Ochamchira and Tkvarcheli districts. UNHCR has repeatedly sought assurances from the authorities in control with regard to returnees' rights relating to permanent residence, political rights, equal protection before the law, property ownership, social security, health care, work and employment, education, freedom of thought, conscience and expression, cultural life and freedom of movement. The UNHCR position was presented to the authorities in control in a white paper in 2015.

17. The return of internally displaced persons to South Ossetia has been routinely denied by the authorities in control. Visits to the Akhalgori district are possible, at times, for those displaced from that area. UNHCR continues to observe the regular movement of people in and out of Akhalgori district. The lack of required documentation for crossing continues to impede the movement of and to isolate an estimated 5,000 internally displaced persons from Akhalgori district. Limited numbers

of those displaced — from 2,500 to 3,000 out of an estimated 5,000 applicants — have been issued with documentation (*propusk*), allowing for their presence in Akhalgori and freedom of movement across the administrative boundary line. The main crossing point towards Akhalgori for the exercise of freedom of movement for displaced or conflict-affected populations is the Mosabruni checkpoint, manned by Russian Federation border guards. Those using the crossing point were informed in December 2014 by authorities in control in South Ossetia that the "propusk" document used by them for passage, although expired at the end of 2014, could still be informally used until March 2015, then until July 2015. While the movement across the crossing point for those with documents, including expired "propusk", continues, the issuance of new "propusk" by the authorities in control also continues into 2016. New regulations continue to be foreseen, linked to implementation of the recent so-called "treaty on alliance and integration" with the Russian Federation. Humanitarian actors, including United Nations agencies, are not provided access to South Ossetia by the authorities in control. I call upon all sides to ensure access to humanitarian assistance and aid workers who deliver it.

18. I urge the reversal of a trend that has seen a reduction in the overall number of documents issued each time that the new documentation requirements are introduced, since this has a serious negative impact on freedom of movement. The authorities in control agreed in principle to a case-by-case review of the situation of such persons with a view to considering granting permits for movements across the administrative boundary line, on the basis of lists to be provided by UNHCR. UNHCR has directly intervened with South Ossetian authorities in control, on behalf of a small number of persons who had not been able to obtain the new crossing document. Regrettably, no permits have been issued for these individuals. I call upon all parties involved to reconsider the cases and exercise a transparent and humanitarian approach in granting permits for crossing the administrative boundary line.

19. I regret that the humanitarian assessment mission by UNHCR to South Ossetia, most recently planned for November 2015, has not yet been able to take place. I hope that such a mission will be able to proceed without further delays and I call upon all relevant stakeholders to facilitate the mission.

20. UNHCR remains ready to revive consultations on the return of persons of concern to the Akhalgori district with a view to securing the safe and voluntary nature of any such movement. All stakeholders are encouraged to keep options for return open and to abstain from any restrictive measures. Moreover, further steps are needed to ease the crossing procedures in the area to allow individuals not only to maintain contact and follow developments in their home communities, but also to make a free and informed choice as to whether to return or to integrate in areas of displacement or elsewhere.

21. While more than 100,000 individuals who were displaced during the 2008 conflict have returned to their homes, most of them soon after the conflict, over 20,000 remain in displacement. So-called "borderization" measures along the administrative boundary line continued throughout the reporting period. Six separate monitoring missions by UNHCR identified that although the installation of fences decreased, obstacles to freedom of movement continue to be mounted along the administrative boundary line, including so-called "state border signs", watch posts and surveillance equipment. These measures reportedly enable Russian

Federation border guards to track and potentially detain villagers who intentionally or unintentionally cross the administrative boundary line, for example, when visiting graveyards, retrieving stray cattle, attending to irrigation channels or transiting to and from work in their fields. Findings by UNHCR indicate that the main incidents of detention are related to livelihood activities, including use of land for livestock grazing, agriculture and gathering food in forest areas. I am pleased that the meetings of the Joint Incident Prevention and Response Mechanism in Ergneti have in some instances helped in negotiating the quick release of arrested villagers in such cases, and I call upon all entities to show humanitarian consideration for local villagers engaging in traditional livelihood activities.

22. The primary remaining protection and reintegration challenges relate to shelter rehabilitation needs and limited livelihood opportunities. The inability to freely access fields, orchards, traditional grazing grounds, forests and markets has reduced income and employment opportunities and further limited communication and relations between families living on opposite sides. The fencing measures along the administrative boundary line exacerbated the already difficult living conditions of internally displaced persons and persons who are not internally displaced, including and in particular in the mountain regions of Georgia, characterized by a lack of access to services owing to isolation and lack of information. The previously existing societal structures of the villages have disintegrated and villages are emptying, with only a few elderly occupants remaining year-round in many locations. To mitigate the most harmful impact on the survival mechanisms and livelihoods of the population, the interim commission established by the Government of Georgia to address the needs of affected communities in villages along the administrative boundary line has also mobilized State funds for investment in villages affected by fencing to develop irrigation and drinking water, road, education, agricultural, shelter, heating and health infrastructure. Substantial progress has been made in the implementation of these measures, especially the provision of gas to villages along the administrative boundary line. Such activities continue in 2016.

23. The Government of Georgia has taken a number of measures in the areas of the creation of conditions for dignified and safe return and the improvement of the socioeconomic conditions of internally displaced persons, serving their integration. Support for the livelihoods of internally displaced persons received enhanced attention from the Government and its partners through the development of strategies and action plans. Concerted efforts by the Government to actively solicit the support of all stakeholders to improve the livelihoods of internally displaced persons were launched in 2015 in the form of a legal entity of public law established under the livelihoods action plan.

24. Georgian national legislation governing the treatment of internally displaced persons, effective as of 1 March 2014, has clarified a number of issues and enhanced the protection of this population against discrimination equally targeting different groups of this community. I reiterate that the rights of all internally displaced persons, as defined in the Guiding Principles on Internal Displacement, must be respected and protected in law and in practice.

25. Relocations and related evictions conducted in the context of the Government's efforts to provide internally displaced families with durable housing solutions have in the past caused grievances among internally displaced persons.

Following advocacy from UNHCR and other actors, the Government has adjusted its approach. It is now offering more housing solutions in urban and economic centres and is trying to avoid relocations from urban areas to more remote locations. The level of dissatisfaction among internally displaced persons regarding housing offered to them has thus considerably decreased as a result of improved legislation regulating the provision of housing. However, as observed by UNHCR, there are still concerns about the selection process for recipients, who are not always the most in need among the displaced population. Continued development of the hotline for internally displaced persons to reach ministry officials using low-cost Internet-based call-in-phone technology, and the addition of Internet chat and complaints mechanism components, supported by UNHCR, has been implemented at the Ministry. This allows internally displaced persons in remote locations to directly reach ministry officials without having to travel to Tbilisi, to express their concerns and resolve problems. Other efforts, such as continued privatization, the provision of ownership of housing units to 9,318 internally displaced persons during the past year and rural housing projects, which combine the provision of shelter with agricultural land, have expanded the housing options. However, considering the total needs, durable housing solutions remain limited. In that regard, alternative solutions deserve consideration. The Government's procedures, developed with a view to enhancing the transparency of the selection and allocation process and the rights of internally displaced persons were generally respected, but remain too complex to yield substantial results in an acceptable time frame.

26. Given the scale of the displacement, substantial challenges concerning the integration of internally displaced persons remain. The Government of Georgia assessed (subject to inflation and exchange rate fluctuations) that around $750 million would still be required to meet the remaining housing needs of internally displaced persons. This is the estimated cost of providing around 50,000 families with various types of accommodation. Despite Government efforts to provide alternative accommodation to internally displaced persons living in dilapidated collective centres, significant needs remain. In addition, the living conditions of internally displaced persons who reside in private accommodation are often as bad as or even less favourable than those of persons residing in collective centres. Moreover, internally displaced persons living in private accommodation lack housing security and often move because of economic instability.

27. The provision of durable housing, while essential, is not the only aspect of integration. Socioeconomic aspects, such as sustainable livelihoods and access to quality education, medical and social services, must be addressed also. While the United Nations agencies, funds and programmes, together with donors and other stakeholders, remain engaged and continue to assist the Government in protecting and ensuring the rights of the affected populations, acute humanitarian crises in other parts of the world have had a negative impact on the funding level for humanitarian projects in Georgia. Moreover, further progress in integrating and improving the living conditions of internally displaced persons is becoming less a question of humanitarian response and more a matter of mainstreaming their interests into broader development efforts. As time passes, the needs of internally displaced persons that do not relate to shelter are increasingly similar to or the same as those of the poorer segments of the population not directly affected by displacement. While the adoption of a livelihood strategy for internally displaced persons is a welcome development, it is now crucial and urgent that the

socioeconomic needs of internally displaced persons be addressed alongside those of the local population within the context of national and regional development agendas. The costs of meeting the needs of underdeveloped and impoverished regions are substantial and require increased State budget allocations, as well as donor support, to make a difference that is felt by the population.

28. I would encourage the authorities to ensure that regions hosting displaced populations and internally displaced persons themselves are able to fully benefit from development programmes. In this respect, and in order to bridge the gap between humanitarian response and development activities, the United Nations Development Programme (UNDP) and UNHCR continued their joint programme aimed at improving the livelihoods of internally displaced persons and returnees in Shida Kartli, as well as conflict-affected communities in Abkhazia.

29. It is estimated that over 45,000 people have already spontaneously returned to their homes in the Gali district. Progress has been made in their reintegration process, although important needs and protection challenges remain. An analysis of the key protection needs of the most vulnerable among the returnee population resulted in the discontinuation of UNHCR material assistance provided previously, including kitchen sets, household items and other materials, and the expansion of cash-based assistance programmes. While at least 1,000 to 1,500 of the most vulnerable returnee families remain in urgent need of assistance, shelter programmes in Abkhazia have come to a halt, with the exception of one programme of the Danish Refugee Council, following the decision by UNHCR to discontinue shelter support for returnees in 2013 owing to a lack of resources. Among those still displaced, the majority informed UNHCR that one of the most important preconditions for return is shelter assistance. The absence of substantial shelter programmes in Abkhazia is thus a strong disincentive to return. Those who spontaneously returned to Abkhazia are still officially considered internally displaced persons by the Government of Georgia and, as such, are eligible for assistance.

30. Concerns regarding limitations on basic rights, including freedom of movement, increased as a result of two new so-called "laws": the "Law on Legal Status of Foreigners" and the "Law on Procedures of Exit from the Republic of Abkhazia and the Entry into the Republic of Abkhazia", both of which were promulgated by the Abkhaz authorities in control in December 2015, with most provisions coming into force in April 2016. Similar "laws" were also introduced by the authorities in control in the Tskhinvali region/South Ossetia. These provide for the issuance of documentation to displaced populations, who are thereby designated as "foreign" or "stateless". Where documentation recognizing the legal presence and rights of the Gali district population in Abkhazia and others is generally lacking, the creation of opportunities to obtain documents from the Abkhaz authorities in control is important. However, the designation of a population having resided in Abkhazia for multiple generations as "foreigners", lack of access to political, property, social security and other rights, risk of expulsion for a broad range of perceived transgressions and limited duration and renewal requirements all raise concerns. In the context of freedom of movement, the lack of recognized documents, the continuing "borderization" process and the closure of entry and exit points at Lekukhona/Alekumkhara and Tagiloni/Taglan further restricted the ability of the population in Abkhazia to travel across the administrative boundary line. Those who do hold documentation that allows for their freedom of movement face increasingly

long wait times and substantial traffic congestion as a result of closures. For those who have returned, access to documentation providing a recognized right to reside in Abkhazia and providing for freedom of movement across the Inguri River is a significant concern and priority.

31. Seasonal movements related to agricultural activities, as well as family visits, continued to be observed. Such movements to Abkhazia took place primarily across the administrative boundary line, but also directly from the Russian Federation. While more precise and comprehensive independently verified data on the numbers and profiles of the returnees and on the other conflict-affected communities residing in the Gali district are not available, I call upon the relevant sides to take further steps to clarify and acknowledge the number of returnees and to ensure freedom of movement and residence, property, social and political rights for the returnee and displaced populations. I encourage all participants in the Geneva international discussions to maximize the use of this forum for the provision and exchange of updated data related to displacement and progress made towards return.

32. During the reporting period, more active engagement of the authorities in control with the returnee population in Gali, as well as with agencies operating in Abkhazia, was notable, including an agreement to expand access and the scope of work to areas beyond Gali, as well as daily interaction. At the same time, and while the political debate about the future status of the returnee population in Abkhazia continues, the returnee population remains concerned about its freedom of movement. With efforts under way intended to address status and documentation issues that would appear to facilitate movement, it is important that these materialize in a timely and predictable manner to enhance confidence and preserve mobility across the administrative boundary line. Nevertheless, a number of developments had a positive impact on the humanitarian and security situation of the population in the Gali region and on the reintegration prospects of those who have returned. These included a variety of infrastructure and livelihood initiatives financed by the international community during the reporting period, including the construction of 47 new houses and the rehabilitation of 30 existing houses, repairs to the hospitals in Saberio and Gali town and the construction in Gali of a special playground for children living with disabilities. Small community infrastructure projects, including the partial rehabilitation of 12 houses in Gali district, a bridge in Ganakhleba village, two medical points in Primorsk and Dikhazurga villages and two schools in Pichori and Lekukhona villages, were implemented.

33. Progress was observed in relation to the security of the local Gali population. The practice of extortion was further reduced, and a major anti-kidnapping for ransom response was implemented by Russian security forces and the so-called Abkhaz "security forces", resulting in the suppression of major criminal gang elements. In pursuing gang members implicated in kidnapping, security forces regrettably suffered casualties during operations in Gali, which also resulted in the death of four criminals. Criminality targeting people with money in cash or cash crops, such as hazelnut harvests, or people who are known to have well-to-do relatives in Georgia or abroad, is decreasing. The so-called "treaty on alliance and strategic partnership" provides for "joint Russian-Abkhaz security forces for collective defence", "joint law enforcement structures for fighting crime" and a broad range of measures for further integration into the Russian economic, social protection and health-care systems, funded by the Russian Federation. Returnees fear that this "treaty" may result in further restrictions and control of movement

along the Inguri River, with a potential reduction of official crossings, expanded "borderization" efforts and increased presence and control of security forces. At the beginning of March 2016, the authorities in control decided to close two crossing points along the Inguri River and expressed their intention to close two more after the rehabilitation of the roads in Gali district along the administrative boundary line. I urge that such changes do not take place, and should be reconsidered and avoided in the future. The remaining three crossing points together, with that of the central Inguri Bridge, which also serves as a crossing for vehicles, have assured relatively orderly crossing for the local population.

34. Additional protection and reintegration challenges remain. While generally acknowledging some progress and expressing appreciation for the assistance received, the local population does not yet consider the situation to be "fully normalized" and a sense of insecurity still prevails. Remaining protection concerns expressed by the returnees relate to: (a) freedom of movement, in particular the longer-term perspective, as messages received are perceived as not always being consistent; (b) documentation required to exercise freedom of movement, enjoy rights and gain access to services; (c) access to education, including higher education, and language of instruction; (d) secure access to quality health-care facilities (on both sides of the administrative boundary line); (e) occasional incidents of discrimination, including those related to documentation and access to services; and (f) denial of effective protection against crime and adequate response to sexual and gender-based violence. A significant segment of the population in Gali, Tkvarcheli and Ochamchira districts has no valid documentation. The non-issuance of documentation has resulted in a substantial negative impact on children whose parents were not able to obtain birth certificates for them because of a lack of supporting documents.

35. Since the conflict in August 2008, the United Nations agencies, funds and programmes have had very little operational access to the Tskhinvali region/South Ossetia, and are therefore not in a position to verify or closely monitor displacement or return movements, nor indeed the humanitarian needs or the human rights of returnees or host populations. However, in preparation for the rounds of the Geneva international discussions, the co-chairs and United Nations staff were able to visit the region and familiarize themselves with the latest developments.

36. Information made available to UNHCR by the Federal Migration Service of the Russian Federation indicates that, as of 1 January 2015, 65 persons (belonging to 56 families) from Georgia enjoy refugee status in the Russian Federation. An additional 472 persons (belonging to 340 families) from Georgia, including from Abkhazia and the Tskhinvali region/South Ossetia, currently hold temporary asylum status in the Russian Federation. The actual number of persons displaced from Georgia residing in the Russian Federation is considered to be higher, as many are not reflected in the official statistics, having regularized their residence status outside of refugee protection mechanisms or having lost refugee status upon acquisition of Russian citizenship.

B. Institutional framework and operational measures

37. In 2005, UNHCR, the Danish Refugee Council, the Norwegian Refugee Council and the Swiss Agency for Development and Cooperation, in consultation

with all stakeholders, launched an initiative entitled "Strategic directions: promoting confidence-building measures for displaced and war-affected persons in Abkhazia". The initiative was aimed at supporting a bottom-up peacebuilding approach on the basis of self-reliance and community involvement. "Strategic directions" integrates protection and assistance efforts through monitoring the situation of returnees, addressing their concerns in discussions with the relevant authorities and providing targeted assistance. Since April 2009, the initiative has been complemented by a strategic framework for continued assistance, which seeks to achieve durable solutions for returnees through integrated protection and assistance activities and promotion of their rights, with a view to preventing renewed displacement of the population in the Gali, Ochamchira and Tkvarcheli districts. The initial focus on returnees has over the years been replaced by strategies and actions targeting all vulnerable populations in Abkhazia. Such efforts bring together as strategic partners, under the overall coordination of the United Nations Resident Coordinator, UNHCR, UNDP, the United Nations Children's Fund (UNICEF), the Swiss Agency for Development and Cooperation, international NGOs, namely, Action against Hunger, the Danish Refugee Council, Première urgence and World Vision International, as well as some additional humanitarian actors in an observer capacity. The UNDP/UNHCR joint programme on agricultural livelihoods in Shida Kartli and Abkhazia contributed to a more durable solution for internally displaced persons and returnees.

38. In July 2010, the Government complemented its "State strategy on occupied territories: engagement through cooperation" (adopted by Order N107 of 27 January 2010), with the "Action plan for engagement" (adopted by Order N885 of 3 July 2010, amended on 26 January 2011). The plan envisages the undertaking of a number of steps aimed at building trust and confidence among divided communities. Those measures were followed in October 2010 by the issuance of the "Regulation of the Government of Georgia on the approval of modalities for conducting activities in the occupied territories of Georgia". In that context, the United Nations agencies, funds and programmes will continue to engage in humanitarian action on the basis of their respective mandates and within the framework of multilateral and bilateral agreements governing the privileges and immunities of the United Nations.

39. I have previously informed the General Assembly of the declared intention of the Government of Georgia to pursue a more open form of engagement. However, ambiguities in the current legislation and between the "Law on Occupied Territories" and the "State strategy on occupied territories" complicate the operational environment for international and local actors involved in humanitarian, peacebuilding and other activities and constrain the development of an enabling environment for more direct interaction.

40. The status-neutral liaison mechanism, established by UNDP in 2012 (see A/64/819, para. 13, and A/65/846, para. 21) continued to operate during the reporting period, including in facilitating the delivery of vaccines, medicine and other forms of humanitarian assistance to Abkhazia. This has proven to be a valuable tool not only in supporting the implementation of humanitarian projects, but also in connecting and facilitating dialogue between the divided communities. The effectiveness of the mechanism is based in large part on the acceptance and support by all sides for its status-neutral and human rights-based approach.

41. During the reporting period, the United Nations agencies, funds and programmes continued to respond to humanitarian needs. UNICEF continued to support improving access for vulnerable mothers, children and youth throughout Abkhazia to quality health-care, education and social services. In particular, UNICEF continued to support the routine immunization programme and, together with UNDP, provided equipment to medical institutions and organized training for medical professionals in the fields of maternal and child health care (such as antenatal and postnatal care and integrated management of child illnesses), HIV/AIDS, sexually transmitted infections, oncology, healthful lifestyles and emergency medical care, as well as information technology skills. UNICEF further provided rural medical points with basic equipment and training, and carried out hygiene and immunization promotion and education activities in rural schools. In cooperation with World Vision International and local partners, UNICEF also continued to support basic social services for children living with disabilities and their families. UNICEF also started a training programme for teachers in Abkhazia on student-centred teaching methodologies and continued to support youth participation and development, as well as confidence-building, through 36 youth clubs throughout the conflict-affected regions of Abkhazia, Samegrelo and Shida Kartli.

42. Over the past year, UNDP paid special attention to youth in returnee communities and their connectivity to various international educational sources. In collaboration with local NGOs working on youth activities, a UNDP-created network of seven computer-based training centres offered access to information technology and training to more than 1,100 local beneficiaries. Young students were offered internationally recognized information technology certifications and English language classes with certification, which enabled them to access graduate and postgraduate education abroad.

43. UNHCR, in partnership with local and international NGOs, continued to address obstacles to sustainable return by providing a limited number of individual cash grants to vulnerable families, legal advice and counselling in relation to documentation issues and access to rights and services. Moreover, efforts to strengthen the prevention of and response to sexual and gender-based violence were undertaken through medical, legal and psychosocial counselling and awareness-raising campaigns.

44. The issue of freedom of movement across the administrative boundary line has security, humanitarian and human rights dimensions and remains of utmost importance to the local population. Developments during the reporting period were marked by two trends: enhanced control and limitation, and formalization of crossings. So-called "borderization" measures, including the announced closure of two crossing points, blockage of footpaths, increased and more systematic surveillance by Russian Federation border guards and strict fining practices, were reported. On the other hand, the local population was in principle able to continue to move across the Inguri Bridge. As referred to in paragraph 33 above, four crossing points are operational and two are about to be closed. The four crossing points are in the following locations in the lower and upper Gali region: (a) Otobaia-2, (b) Nabakevi/Nabakia, (c) Saberio/Papinrkhua and (d) the main one at Inguri Bridge. Lekukhona/Alekumkhara and Tagiloni/Taglan are to be closed. The crossing points are operational from 7 a.m. to 7 p.m. every day and multiple documents are allowed to be used by those who are crossing. I encourage all steps which would

facilitate the freedom of movement and freedom of travel of all segments of the local population and allow their movement and travels in safety and dignity.

45. I have taken note of encouraging information that ambulance services continue to be allowed across the administrative boundary line, according to which pragmatic practice has been established to the effect that when medical transportation is needed, patients are being brought by one ambulance to the Inguri Bridge crossing point and then picked up by another ambulance transporting them further on the other side. In many cases, the Joint Incident Prevention and Response Mechanism hotline was used to inform those on both sides about the need for medical transportation. Although limited in scope and effect, the ambulance services are a testimony to good cooperation in jointly addressing humanitarian concerns.

46. Persons in need should be able to gain access to medical attention wherever it can be offered as quickly as possible and at the highest attainable standard. I call upon all stakeholders to exercise maximum care and flexibility in this regard and improve the conditions for the crossings, including through the introduction of a fast-track procedure for the vulnerable and the rehabilitation of deteriorating conditions on Inguri Bridge.

47. The local population in the Gali district, including returnees, remains concerned about its freedom of movement, its continued contact with family members and friends residing on the other side of the Inguri River and its access to social infrastructure, including medical facilities and markets in the Zugdidi district. The development and implementation of a crossing regime that allays those concerns remains crucial for improving the living conditions of the local population, advancing the reintegration of returnees and preventing renewed displacement. In that context, it is essential to identify and implement solutions for the provision of documentation in conformity with international law, including international human rights law, and the principles governing the prevention and reduction of statelessness. I urge the relevant authorities to take pragmatic steps to solve this reoccurring problem without delay and allow children to cross at convenient and safe locations.

48. The principles and factors governing the implementation of the return of internally displaced persons outlined in my report of 24 August 2009 (A/63/950), particularly in paragraphs 8 to 14 thereof, remain valid. There is a complex nexus between the individual right to voluntary, safe and dignified return and the establishment of the conditions conducive to such return. The individual's right of return, in the case of an internally displaced person, derives from his or her right to freedom of movement as stipulated in article 12, paragraph 1, of the International Covenant on Civil and Political Rights and, in relation to a refugee, from article 12, paragraph 4, of the Covenant, according to which "no one shall be arbitrarily deprived of the right to enter his own country". In accordance with article 12, paragraph 3, of the Covenant, the freedom of movement, as established in article 12, paragraphs 1 and 2, can only be subject to restrictions "which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights" recognized in the Covenant. Progress made with respect to integration, locally or by resettlement, does not result in a loss of the right of return.

49. I reiterate that the right of return and its exercise by an internally displaced person cannot therefore be directly linked to political questions or the conclusion of

peace agreements. It is essential to recognize return as both a human right and a humanitarian issue that must be addressed irrespective of any solution to an underlying conflict. At the same time, it is primarily for the individual to assess the risks and make an informed choice as to whether or not to return at a given time. In doing so, a displaced person must be able to take into account all factors that could affect his or her safety, dignity and ability to exercise basic human rights.

50. The United Nations is committed to assisting States in the search for durable solutions for displaced populations, and its engagement is based on the understanding that voluntary return in safety and dignity is one durable solution, the other two being local integration and resettlement. The role of the United Nations in the facilitation, design and implementation of organized return operations must be guided by the need to avoid causing harm or contributing to the exposure of persons of concern to possible human rights violations. Therefore, activities related to organized returns must be based on a careful risk assessment, taking into consideration the existing security and human rights conditions and concerns, access to livelihoods and basic services and the voluntary nature of return. Unhindered humanitarian access and the ability of the United Nations and its mandated agencies, funds and programmes to effectively monitor all these factors is another aspect to be taken into account.

IV. Prohibition of forced demographic changes

51. Relevant international human rights standards should guide managed population movements, including evacuations, and thereby strictly limit forced movements, including those that result in demographic change. The principles and provisions of international law mentioned in my previous report (see A/69/909, para. 49), as well as non-refoulement obligations governing the protection of refugees and others who flee their homes as a result of or in order to avoid the effects of armed conflict or situations of generalized violence, remain fully applicable.

52. While no major new displacement was observed during the reporting period, the demographic consequences of earlier displacement remain. In that context, I would like to recall once again the observations of my former representative on the human rights of internally displaced persons in his report of 14 January 2010 (A/HRC/13/21/Add.3 and Corr.1 and 2, paras. 7-14) and referred to in my report of 17 June 2010 (A/64/819, paras. 22 and 23).

V. Humanitarian access

A. International legal foundations governing humanitarian access

53. The need to establish and maintain humanitarian space is essential in order to effectively meet the humanitarian needs of conflict-affected and displaced populations, to mitigate suffering and to enable United Nations agencies, funds and programmes to exercise their mandates. In that context, it remains important that all sides respect their obligations and act in good faith to fully implement the principle of humanitarian access, which is rooted in international humanitarian and human rights law. The free passage of relief goods and the facilitation of humanitarian operations are correlated to a number of human rights, including the right to life, the

right to a decent standard of living and the right to protection against discrimination. Moreover, building on the practice of the United Nations human rights treaty bodies, there is growing acceptance that the obligation of States to respect, protect and fulfil human rights includes an obligation to invite, accept and facilitate international (humanitarian) assistance, in particular if the State's resource capacities or other obstacles, such as a lack of effective control of parts of the territory, limit its capacity to effectively address all humanitarian needs.

54. In the context of international conflict situations, international humanitarian law requires the establishment of conditions for the rapid and unimpeded passage of all relief consignments, equipment and personnel. In non-international conflicts, States must organize relief actions for the civilian population, without any adverse distinction. The universal acceptance of those rules has established, as a norm of customary law in both international and non-international conflicts, that parties to a conflict must allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need. I would further request that arrangements pertaining to relief personnel be simplified to the greatest extent possible.

B. Operational challenges

55. Following the amendments introduced to the "Law on Occupied Territories", after taking into consideration recommendations issued by the European Commission for Democracy through Law (Venice Commission) of the Council of Europe in October 2010, the Government of Georgia issued the "Regulation of the Government of Georgia on the approval of modalities for conducting activities in the occupied territories of Georgia", which, inter alia, serves as the guideline for the implementation of the Law. During the reporting period, the issuance of the modalities had no impact on the activities of the United Nations agencies, funds and programmes. However, in the light of the ambiguity of some provisions of the modalities, allowing for a significant degree of discretion and potential arbitrariness, a further review, and possible reform, of those norms by the Government would be welcomed. Such a review should fully take into account the international legal foundations governing humanitarian access, as outlined above, and the practical concerns of humanitarian and development actors operating on the ground.

56. The United Nations agencies, funds and programmes were able to implement protection, humanitarian assistance, recovery and development activities in Abkhazia as planned. However, the recently introduced restrictions for local staff of international organizations, including United Nations agencies, to obtain permits for crossing the administrative boundary line from the authorities in control in Abkhazia inhibit such humanitarian movements. In addition, ongoing humanitarian needs notwithstanding, it is widely recognized, including by the international donor community, that needs have increasingly shifted from humanitarian assistance towards early recovery activities and to the delivery of more sustainable support. The United Nations Resident Coordinator is facilitating an inclusive dialogue on this matter among international donors and with relevant authorities.

57. On 30 January 2015, the authorities in control in Abkhazia communicated formally their agreement to allow the work of all international and non-governmental organizations within Gali, Ochamchira and Tkvarcheli districts and of United Nations agencies without geographical restrictions. The communication

superseded the letter of 28 January 2013 to several agencies requesting a focus of activities on Gali district. The current flexible approach of the authorities in control, which allows agencies to contribute to addressing the needs of the most vulnerable in all areas of Abkhazia, is in line with international standards for the work of international agencies and should be continued.

58. However, since May 2015, the authorities in control in Abkhazia have introduced procedures obliging the international and national staff of United Nations agencies and international NGOs in Abkhazia to undergo interviews with the Abkhaz "security service" before crossing the administrative boundary line. This practice has limited the operational flexibility of United Nations agencies and international NGOs in Abkhazia, adding to already existing operational difficulties caused by the fact that national staff of United Nations agencies and international NGOs are not allowed access to Abkhazia. I call upon all relevant parties to ensure unimpeded access for all United Nations agencies and international NGOs.

59. Given the need for a proper transition from humanitarian assistance through recovery to longer-term sustainable development, it is important to avoid gaps in the transition process and ensure that the remaining humanitarian needs, as well as contingency considerations, are fully met. In this regard, I reiterate my call for respect for the international principles governing humanitarian access, including the unhindered movement of the personnel of international organizations, for flexibility and for practical approaches and measures to be taken by all stakeholders therein. In addition, consultations must continue among all relevant stakeholders in order to ensure the flow of up-to-date information on the humanitarian needs of the population and to improve coordination.

60. During the reporting period, discussions were renewed on possible humanitarian access for the United Nations to the Tskhinvali region/South Ossetia. During several visits to Tskhinvali and the surrounding areas, the United Nations Representative and the other Co-Chairs of the Geneva international discussions were able to witness further progress on a number of ongoing humanitarian, infrastructure and reconstruction initiatives, including water projects undertaken by OSCE and road construction, which has helped to reduce by more than half the travel time between Tskhinvali and the Akhalgori valley. I also take note of some positive efforts to preserve or prevent further alteration and decay of cultural heritage and to prevent the removal of artefacts from the region, including through an agreement by the participants in the Geneva international discussions to work jointly on the issue. United Nations proposals to build on previous humanitarian activities on the ground, however, have not materialized. Access for the United Nations humanitarian agencies has not been possible owing to the continuing lack of agreement on the modalities governing access. The insistence by the authorities in control that such agencies must enter solely from the territory of the Russian Federation is unnecessary, costly and inconsistent with humanitarian practice. At the same time, the International Committee of the Red Cross continued to implement a number of projects throughout the area, and a number of complementary medical activities are being explored by NGOs.

VI. Property rights of refugees and internally displaced persons

61. Property-related issues remained on the agenda of Working Group II of the Geneva international discussions. Obstacles to resolving those issues, as well as my call for all parties to adhere to the principles on housing and property restitution for refugees and displaced persons (referred to as the "Pinheiro principles") and the underlying norms of international law, including international human rights law, as outlined in my report of 20 May 2013 (see A/67/869, paras. 58-60), remain valid.

VII. Timetable for the voluntary return of all refugees and internally displaced persons and work towards durable solutions

62. No agreement or timetable for the voluntary return of all refugees and internally displaced persons has been developed, given the prevailing environment and continued discussions among the parties. Working Group II of the Geneva international discussions could not deal with the issue of voluntary return owing to the continued unwillingness of some participants to discuss the matter. I reiterate that as long as the conditions for organized returns in safety and dignity are not fulfilled and mechanisms for property restitution are not established, the design of a comprehensive timetable or road map for returns must remain an open matter to be addressed. Those challenges should not prevent the parties from working towards identifying durable solutions for all displaced persons, giving particular attention to the implementation of the right of return. I would like to reiterate my call for all participants in the Geneva international discussions to engage constructively on this issue, relying on international law and relevant principles.

63. In the absence of conditions conducive to organized return and appropriate implementation mechanisms, the United Nations agencies, funds and programmes will continue to concentrate their efforts on providing the conflict-affected populations, including returnees or persons in the process of returning, with assistance and support for their reintegration. The United Nations agencies, funds and programmes remain committed to proceeding at the appropriate time, in consultation and cooperation with all parties concerned, with the development of a timetable or road map addressing all components outlined in my report (A/63/950).

VIII. Conclusion

64. Over the past seven and a half years, the Geneva international discussions, co-chaired by the European Union, OSCE and the United Nations, have remained the single forum for the key stakeholders to discuss security and stability, and humanitarian issues, in particular those relating to the return of refugees and internally displaced persons. These efforts, together with humanitarian engagement by a variety of United Nations agencies, funds and programmes and other actors, have contributed to some improvements in the security and humanitarian situation on the ground, but unfortunately have not resulted in conditions conducive to the return of displaced populations.

65. Many security, humanitarian, human rights and development challenges remain unresolved. Despite the difficult nature of the discussions, the complexity of the issues and divergence in the positions, the participants in the discussions have continued to engage on a regular basis. In cooperation with partner organizations, the United Nations has facilitated information sessions on relevant best practices and lessons learned, which have helped to enrich the formal sessions of the Geneva international discussions. The United Nations stands ready to continue to support such information sharing along with further humanitarian and development engagement on the ground.

66. Continued and more constructive efforts, including the greater willingness of key stakeholders, are needed to reach an agreement on additional practical steps to further strengthen the security situation and meet the pressing humanitarian concerns of the affected population, including internally displaced persons. I am pleased that a tentative agreement has been reached to resume the work of the Gali Joint Incident Prevention and Response Mechanism. While I am encouraged by their full commitment to the process, I once again call upon all participants to uphold their engagement in the Geneva international discussions and preserve and expand humanitarian space. I also urge donors to continue and strengthen their support for the multifaceted humanitarian, development and confidence-building efforts.